

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, MARCH 22, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
DINO F. BUCCI, JR, TRUSTEE  
JANET DUNN, TRUSTEE  
ROGER KRZEMINSKI, TRUSTEE  
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Township Attorney  
Jerome R. Schmeiser, Planning Consultant  
David Lakin, Consulting Engineer  
(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

### **ROLL CALL**

1. Clerk KOEHS called the roll and the entire Board of Trustees was present.

At this time, Supervisor Brennan introduced to the Board of Trustees Mr. Robert Phillips, who had successfully completed all of the requirements for the position of Macomb Township Fire Chief. Mr. Phillips thanked the Board for their offer of employment and indicated that his primary goal is to make ours the best fire department it can be.

### **APPROVAL OF THE AGENDA**

2. The agenda was reviewed and items 13a and 13b were added.

**MOTION by DUNN seconded by BUCCI to approve the agenda as amended.**

**MOTION carried.**

### **APPROVAL OF THE BILLS**

3. Both bill runs were presented and reviewed.

**MOTION by KRZEMINSKI seconded by NEVERS to approve both bill runs as presented.**

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**MOTION carried.**

**APPROVAL OF PREVIOUS MEETING MINUTES**

4. The minutes of the previous meeting held on March 8, 2006 were reviewed and any additions, corrections or deletions were discussed.





**MOTION by DUNN seconded by MALBURG to approve the minutes of the meeting of March 8, 2006 as presented.**

**MOTION carried.**

**AGENDA ITEMS**

5. **Consent Agenda Items:**






A. Clerk's Department:

1.  **Wall Sign Bond Release**; Dollar 75 Cleaners; William Akkary, Petitioner; Parcel Number 08-29-352-025.
2.  **Wall Sign Bond Release**; Coney Grille; Nima Caruso, Petitioner; Parcel Number 08-20-200-046.
3.  **Wall Sign Bond Release**; United Wireless; Michelle Abro, Petitioner; Parcel Number 08-25-351-009
4.  **Partial Site Bond Release**; Stratford Plaza; Stratford Investments, LLC, Petitioner, Permanent Parcel Number 08-23-100-029

B. Water & Sewer Department

1.  **Easement Encroachment Agreement**; Steven Rizzo, Express Builders; 49194 Limestone Drive, Lot 87; Fieldstone Estates Subdivision.

C. Department Monthly Reports:

1.  Building Department
2.  Fire Department
3.  Macomb County Sheriffs Department
4.  Parks and Recreation Department
5.  Water/Sewer Department

**MOTION by BUCCI seconded by KRZEMINSKI to approve the consent agenda as presented.**

**MOTION carried.**

6. Public Comments (All Agenda and Non Agenda items - 3 minute time limit)

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There were no public comments at this time.

**PUBLIC HEARING:**

7.  **Public Hearing for a Street Lighting Special Assessment District, Tesner Park Subdivision, Section 35.**

Supervisor Brennan opened the Public Hearing at 7:06 p.m. He then reviewed the street lighting proposal as presented by Detroit Edison Company.

**MOTION by DUNN seconded by KOEHS to close the public hearing at 7:07 p.m.**

**MOTION carried.**

**MOTION by KRZEMINSKI seconded by BUCCI to adopt the resolution creating a Special Assessment District for the Tesner Park Subdivision, Section 35.**

**Street Lighting Tesner Park Subdivision  
RESOLUTION ORDERING ESTABLISHMENT  
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **March 22, 2006** at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Janet Dunn, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers.

ABSENT: NONE.

The following preamble and resolution were offered by Member KRZEMINSKI and supported by Member BUCCI:

**WHEREAS**, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

**WHEREAS**, the Township Board has determined that the installation of a street light or lights illuminating streets serving lands described in Exhibit "A" is necessary to preserve the public safety and welfare.

**WHEREAS**, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

**WHEREAS**, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

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**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. It is hereby directed that a street light or lights shall be installed at Tesner Park Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is Three Thousand Five Hundred Five dollars and 50/100 (\$3,505.30). Three times the annual cost is Ten Thousand Five Hundred Fifteen dollars and 90/100 (\$10,515.90). Total project cost is Thirty Four Thousand Five Hundred Twenty One dollars and 40/100 (\$34,521.40). The petitioner contribution amount is Twenty Four Thousand Five dollars and 50/100 (\$24,005.50). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

**AYES: KRZEMINSKI, BUCCI, NEVERS, DUNN, MALBURG, KOEHS, BRENNAN.**  
**NAYS: NONE.**  
**ABSENT: NONE.**  
**RESOLUTION DECLARED ADOPTED.**

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MICHAEL D. KOEHS, CMC  
MACOMB TOWNSHIP CLERK

**SAD, Street Lighting, Tesner Park Subdivision**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF**  
**SPECIAL ASSESSMENT LIGHTING DISTRICT**

A parcel of land located in and being a part of the S.W. ¼ of Section 35, T.3N., R.13E., Macomb Township, Macomb County, Michigan, and being more particularly described as follows:

Commencing at a point 43.00' S.00°14'00"W. from the West ¼ corner of said Section 35, and thence extending S.89°48'58"E. 1332.23' along the south R.O.W. of Brantingham Road (43' wd), Thence S.00°12'16"E 281.17', Thence S.40°46'20"W. 714.53', Thence N.89°48'58"W 869.96', Thence N.00°14'00"E. 300.00', along the west line of Section 35, also being the centerline of Card Road (prop. 120'), Thence S.89°49'30"E 214.36', Thence N.00°14'00"E. 403.35', Thence N.89°49'30"W. 214.36', Thence N.00°14'00"E. 120.43', along the centerline of Card Road to the point of beginning and containing 19.758 acres of land. Reserving easements of record.

Pre-Printed Portion of document drafted by:

Lawrence W. Dloski

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SEIBERT AND DLOSKI, PLLC  
59 N. Walnut, 202 Vicant Building  
Mt. Clemens, MI 48043

**AFTER RECORDING RETURN TO:**


Michael D. Koehs, CMC  
Macomb Township Clerk  
54111 Broughton Road  
Macomb, MI 48042

**AYES: KRZEMINSKI, BUCCI, NEVERS, DUNN, MALBURG, KOEHS, BRENNAN**

**NAYS: NONE**

**MOTION carried, resolution declared adopted.**

**OLD BUSINESS:**

8.  **Engineering Variance; Road Width Detroit Edison Golf Substation;** Located on the east side of Heydenreich Road, approximately ½ mile north of Hall Road. Section 34. (8.1 Acres) SDA Review No. MA89-118.


Mr. David Lakin, of Spalding, DeDecker and Associates, reviewed the variance and stated his recommendation for approval to reduce the road width to eighteen (18) feet.

**MOTION by KOEHS seconded by KRZEMINSKI to approve the Engineering Variance; Road Width Detroit Edison Golf Substation; Located on the east side of Heydenreich Road, approximately ½ mile north of Hall Road.**

**MOTION carried.**

**WATER AND SEWER DEPARTMENT:**

David Koss, Water & Sewer Superintendent, reviewed the following matters and recommended that they be approved.

9.  **Request to approve Change Order #1;** 23 Mile Road Water Main, River Estates to the North Branch of the Clinton River, contract #1, MA04-013, Pamar Enterprises, Inc.

**MOTION by DUNN seconded by NEVERS to approve the Change Order #1; 23 Mile Road Water Main, River Estates to the North Branch of the Clinton River, contract #1, MA04-013, Pamar Enterprises, Inc.**

**MOTION carried.**

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10.  **Request to approve Pay Certificate #2;** 23 Mile Road Water & Sewer replacement, MA02-007 and MA02-022, Pamar Enterprises, Inc.

**MOTION by BUCCI seconded by KRZEMINSKI to approve the Pay Certificate #2; 23 Mile Road Water & Sewer replacement, MA02-007 and MA02-022, Pamar Enterprises, Inc.**

**MOTION carried.**

11.  **Request to approve Pay Certificate #8;** 23 Mile Road Sanitary Sewer, North Avenue west 1,800 feet. L. D'Agostini & Sons, Inc.

**MOTION by KOEHS seconded by MALBURG to approve the Pay Certificate #8; 23 Mile Road Sanitary Sewer, North Avenue west 1,800 feet. L. D'Agostini & Sons, Inc.**

**MOTION carried.**

12. **Request for a Temporary Cement Batch Plant;** Riverwoods Subdivision near 21 Mile Road and Romeo Plank Road; Florence Cement Company, Petitioner

**MOTION by DUNN seconded by NEVERS to approve the Request for a Temporary Cement Batch Plant; Riverwoods Subdivision near 21 Mile Road and Romeo Plank Road for 30 days.**

**MOTION carried.**

**BOARD COMMENTS**

13. Supervisor Comments

13a. Supervisor Brennan informed the Board that our original Urban Planning Consultant for the Town Center Committee, Mr. Bob Gibbs, has resigned his position, and Mr. Brennan was recommending that the Board retain LSL Planners as the replacement.

**MOTION by KRZEMINSKI seconded by BUCCI to retain LSL Planners as consultants for the Town Center Committee.**

**MOTION carried.**

13b. Supervisor Brennan updated the Board on the status of the layoff in the township, and indicated that at this time there did not appear to be a need

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for any further layoffs, but that this situation will be continuously monitored.

14. Clerk Comments

Clerk Koehs informed the Board that the 45 new election voting machines had been received from the State and were in the process of being tested.

15. Treasurer Comments

None

16. Trustees Comments

Ms. Dunn informed the Board that she had attended a training session while at the Michigan Township's Association Educational Conference in January, and that as a result, she wanted to attend a seminar/conference on Historical Preservation in April. Supervisor Brennan indicated that several trustees had expressed the same interest.

**MOTION by BUCCI seconded by NEVERS to authorize the attendance of three trustees at the April Historic Preservation Conference for an initial cost of \$445.00 per attendee.**

**MOTION carried**

**EXECUTIVE SESSION**

17. **Proposed Consent Judgment for C&M Plaza v. Macomb Township; a Michigan Tax Tribunal Case**

**MOTION by KRXEMINSKI supported by MALBURG to adjourn to Executive Session.**

**MOTION carried, adjourned to Executive Session at 7:20 p.m.**

Returned from Executive Session at 7:23 p.m.

**Motion BY KOEHS seconded by NEVERS to authorize legal counsel and the Assessor to sign the consent judgment as presented.**

**MOTION carried.**

**ADJOURNMENT**

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**MOTION by BUCCI seconded by KRZEMINSKI to adjourn the meeting at 7:23 p.m.**

**MOTION carried.**

Respectfully submitted,

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John D. Brennan  
Macomb Township Supervisor

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Michael D. Koehs, CMC  
Macomb Township Clerk